

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) C.R. No. 05-30042-MLW
)
RICARDO DIAZ)
and)
CESAR CRUZ,)
Defendants.)

ORDER

WOLF, C.J.

August 11, 2006

For the reasons described in detail in court on August 9, 2006, it is hereby ORDERED that:

1. Defendant Cruz's Motion in Limine for Jury Questionnaire (Docket No. 52), Amended Motion for Jury Questionnaire (Docket No. 76), and the defendants' Joint Motion for Bill of Particulars (Docket No. 88) are DENIED.

2. Defendant Diaz's Ex Parte Motion for Funds for Hotel Accommodations (Docket No. 58), Defendant Cruz's Ex Parte Motion for Funds for Hotel Accommodations (Docket No. 59), and the government's Motion in Limine Regarding Defendant Cruz's Religious Affiliation (Docket No. 67) are ALLOWED.

3. Defendant Diaz's Motion for Leave to Subpoena Impounded Probate Record (Docket No. 74) and Supplemental Motion in Support of his Motion for Leave to Subpoena Impounded Probate Record (Docket No. 82) are ALLOWED. Defense counsel shall work with

Deputy Clerk Dennis O'Leary to craft a subpoena for the Julian Rios file, which shall be produced by August 31, 2006 for in camera review by the court.

4. Defense counsel shall, by August 16, 2006, produce any proposed exhibits which they would like to offer into evidence.

5. If necessary, defense counsel shall, by August 31, 2006, file any objections to the presence of the government's lead agent in the courtroom. The government shall respond by September 8, 2006.

6. By September 8, 2006, the parties shall:

(a) report whether this case will proceed to trial;

(b) file written stipulations;

(c) confer and report whether there is any issue regarding the recent domestic abuse charge against Julian Rios;

(d) work together to correct any inaccuracies in the transcripts for the tape recordings referenced in the government's Motion in Limine to Introduce Consensually-Recorded Conversations and Transcripts (Docket No. 55) and report whether all of the issues have been resolved. If there are any remaining disputes, the defendants shall develop an alternative version of the transcripts. In addition, the parties shall report whether the defendants object to the government using "readers."

(e) confer on the government's Motion in Limine Regarding Recording of Telephone Call from Hampden County Jail on 01/07/05

(Docket No. 85) and file any stipulations and redactions to reduce the danger of unfair prejudice. If there is no agreement, the parties shall brief their respective positions;

(f) supplement the briefing on Defendant Cruz's Motion in Limine to Preclude the Government from Impeaching the Defendant's Credibility with Evidence of Prior Convictions (Docket No. 49) and the government's opposition to it (Docket No. 64). All documents related to the motion must be produced to the defense by August 16, 2006; and

(g) if necessary, file additional proposed voir dire questions regarding references to the Latin Kings.

11. A Pretrial Conference will be held on September 14, 2006, at 2:30 p.m. The defendants shall be present.

12. Trial shall commence on September 18, 2006, at 9:00 a.m.

/s/ MARK L. WOLF
UNITED STATES DISTRICT JUDGE